

RUSS AUGUST & KABAT
Marc A. Fenster, CA SB #181067
E-mail: mfenster@raklaw.com
Brian D. Ledahl, CA SB #186579
E-mail: bledahl@raklaw.com
Payam Moradian, CA SB #276952
E-mail: pmoradian@raklaw.com
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: 310/826-7474
Facsimile: 310/826-6991

Attorneys for Plaintiff,
EPL HOLDINGS, LLC

Additional Counsel Listed on Signature Page

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EPL HOLDINGS, LLC,

Plaintiff-Counterclaim Defendant,

v.

APPLE, INC.,

Defendant-Counterclaimant.

No. 12-cv-04306 (JST)

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINE FOR
COMPLETION OF CLAIM
CONSTRUCTION DISCOVERY AS TO
APPLE'S PROPOSED WITNESS**

Judge: Hon. Jon S. Tigar

WHEREAS, the Court previously set a cut-off for claim construction discovery of
October 9, 2013;

WHEREAS, Defendant-Counterclaimant Apple, Inc. ("Apple") identified a proposed
expert witness, Julius O. Smith, in its claim construction disclosures;

WHEREAS, Plaintiff-Counterclaim Defendant EPL Holdings, LLC ("EPL") timely
requested to schedule the deposition of Mr. Smith;

1 WHEREAS, Apple has indicated that Mr. Smith is available to be deposed on October
2 21, 2013, after the cut-off set by the Court; and

3 WHEREAS, the parties are in agreement that the deposition may go forward on October
4 21, 2013.

5 NOW THEREFORE, for good cause, as set forth above, the parties jointly stipulate and
6 agree, and request that the Court order as follows:

- 7 1. That the deposition of Mr. Smith may take place after the cut-off for claim
8 construction discovery previously set for October 9, 2013 by the Court;
9 and
10 2. No other deadlines in the schedule previously set by the Court will be
11 affected by this stipulation.

12
13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14
15 Date: October 7, 2013

Signed: 

Hon. Jon S. Tigar, United States District Judge

16
17
18 /
19 /
20 /
21 /
22 /
23 /
24 /
25 /
26 /
27 /

Dated: October 7, 2013

So stipulated,

RUSS AUGUST & KABAT

By: /s Brian D. Ledahl
BRIAN D. LEDAHL

Attorneys for Plaintiff
EPL Holdings, LLC.

BOIES, SCHILLER & FLEXNER LLP

By: /s Michael D. Jay (with permission)

Michel D. Jay, CA SB #223827
E-mail: mjay@bsflp.com
Bill Ward, CA SB #246472
E-mail: bward@bsflp.com
401 Wilshire Boulevard, Suite 850
Santa Monica, CA 90401
Telephone: 310-752-2400
Facsimile: 310-752-2490

Attorneys for Defendant
APPLE, INC.

RUSS, AUGUST & KABAT

Pursuant to Local Rule 5-1(i)(3), I hereby attest to the concurrence in the filing of this document by each of the other signatories.

Dated: October 7, 2013

By: /s Brian D. Ledahl

Brian D. Ledahl

RUSS, AUGUST & KABAT